

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

PEGGY N. WINSTEAD,

PLAINTIFF

v.

CIVIL ACTION NO. 1:04CV161-SAA

JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,

DEFENDANT

**OPINION**

By court order dated February 14, 2005, the court granted plaintiff's motion to reinstate this case following the death of plaintiff's counsel and for extension of time to file a brief in support of her claim. The order expressly provided that plaintiff had until March 10, 2005, to retain counsel or notify the court of her intent to prosecute this case *pro se*, and it required submission of plaintiff's brief by March 25, 2005. The order warned plaintiff that her failure to comply with its terms would result in sanctions, "up to and including dismissal of this case." The order was mailed to plaintiff's last known address of 158 Russell Road, Noxapater, MS 39346, but plaintiff has failed to take any action in response to the order to date. Plaintiff's inaction indicates a lack of interest in pursuing her claim, and it is the opinion of the court that this case should be dismissed without prejudice pursuant to FED. R. CIV. P. 41(b) for failure to prosecute.

A final judgment in accordance with this opinion will issue this day.

This the 11<sup>th</sup> day of May 2005.

/s/ S. Allan Alexander  
UNITED STATES MAGISTRATE JUDGE